



PATENT
4450-0136P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: James E. DeGrange Conf.: 4316
Appl. No.: 09/777,786 Group: 2633
Filed: February 6, 2001 Examiner: PAYNE, David
For: POWER BALANCED OPTICAL ADD MULTIPLEXER
AND POWER BALANCING METHODS THEREFORE

TERMINAL DISCLAIMER TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 10, 2004

Sir:

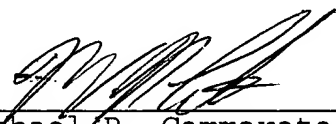
Attached hereto is an executed Terminal Disclaimer in connection with the above-identified application.

The appropriate fee of \$110.00 (large entity) is also attached hereto.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.20 to Deposit Account No. 02-2448.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/kpc

P.O. Box 747
Falls Church, VA 22040-0747
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Sir:

AUG 12 2004

CIENA Corporation, (hereinafter "the Assignee")

Technology Center 2600

☐ residing at ,
☒ a corporation of Delaware having a principal place of
business at 1201 Winterson Road, Linthicum, MD 21099-
2205,

☐ a university having an address of ,

represents that it is the true owner of the entire interest of
U.S. patent Application No. 09/777,786, filed on February 6,
2001, for "POWER BALANCED OPTICAL ADD MULTIPLEXER AND BALANCING
METHODS THEREFORE," (hereinafter "above-identified application")
by virtue of and as evidenced by an Assignment recorded at the
United States Patent and Trademark Office at Reel 11727, Frame(s)
0032-0035.

The Assignee hereby disclaims the terminal part of any
patent granted on the above-identified application which would

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extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent Application No. 09/777,774, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to U.S. Patent Application No. 09/777/774 shall be the same as the legal title to any patent issuing from the above-identified application, this agreement to run with any patent granted on the above-identified application, and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 09/777,774 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

This Terminal Disclaimer is submitted on behalf of the Assignee by the undersigned, an attorney of record in the above-identified application.

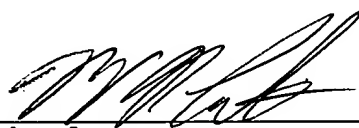
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BIRCH, STEWART, KOLASCH & BIRCH, LLP

Date: August 10, 2004

By


Michael R. Cammarata, #39,491

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Attachment(s)

(Rev. 02/13/2004)